25. The unsatisfactory state of the electoral rolls of the commerce constituency of the Legislative Council, the causes that led to such a condition and suggestions for remedying the same.

MR. M. L. JANARDANAN PILLAI (*Trading Classes, Alleppey*) said that under the existing Legislative Council Electoral Rules, the qualification for an elector of the commerce constituency was a gross income of Rs. 1,000. There were no data for ascertaining the income of a trader whose income was less than Rs. 2,000. The result was that the electoral rolls of the past three general elections were inaccurate and names of unqualified persons had been freely included. The revising authorities could omit the names of unqualified persons only on receipt of objections. As the commerce constituency spread over a large area, it was not an easy matter to prefer objections to each revising authority. That the rolls were inaccurate had been admitted by the Government also. The fact had been brought to the notice of the Special Electoral Rolls Officer in connection with the elections held in 1103 and the Dewan Peishkar, Quilon. Both the officers after local enquiry caused the elimination of a number of names from the rolls for the Tiruvalla taluk. About 400 claim applications were made to the revising authority for the Tiruvalla taluk for inclusion of the names of the applicants in the electoral rolls for 1103. But only 3 or 4 were admitted. When the Income Tax authorities served 'D' form notices on those persons, it came to light that many applications were inspired and some were pseudonymous. All difficulties would be obviated if the Electoral Rules were amended and the qualification for a voter for the commerce constituency were fixed as payment of income tax during the previous year. The electoral rolls could then be easily prepared with reference to the assessment register.

DEWAN'S REPLY :- Mr. Janardanan Pillai, I should like first to thank you for your lucid and helpful representation. The Government are also aware of the difficulties that exist in the working of the present rules, in getting a correct list of voters. I can only say that the question of modifying the rule so as to make it properly workable is under the earnest consideration of Government.

Your suggestion that the right of voting might be confined to those who pay income tax, *i. e.* who have an annual income of Rs. 2,000 and above, will be carefully considered while amending the rules.

26. Amendment of the Jenmi and Kudiyan Regulation.

MR. PARAMESVARAN TUPPAN NAMPUTIRI (*Jenmies, Kottayam Division*) spoke about the need for amending the existing Jenmi and Kudiyan Regulation. He said that the proposed amendment purported to take away the rights and privileges conferred on the *Jenmies* by Regulation V of 1071 and the Proclamation of 1042 and give them to the *Kudiyans*. The bill should not therefore be considered in its existing form. The bill was drafted on the basis of the resolutions passed at the Round Table Conference held under the auspices of the Government. Those resolutions were favourable to the *Kudiyans* alone

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and not to the *Jenmies*. The prayers of the latter made from time to time were ignored by the Government, while the *Kudiyans* got more than what they wanted. The attempts of the Government in the past had been to take away the rights and privileges of the *Jenmies* one by one and grant them to the *Kudiyans*. The proposed bill also purported to take away what little remained with the *Jenmies*, in disregard of all agreements entered into between the *Jenmies* and the *Kudiyans*. The *Jenmies* had thus been put to much hardship and loss and if the Government could not grant the *Jenmies* their legitimate rights the alternative course would be to acquire all the *Jenmam* lands and give them to the *Kudiyans*. The member therefore prayed that the Jenmi and Kudiyan Regulation should be so amended as not to impair the rights of the *Jenmies* conferred on them by the Proclamation of 1042, the Jenmi and Kudiyan Regulation, V of 1071, and also the rights reserved by mutual agreement. If, however, within a period of 3 years after a *Kanam* demise, a *Kudiyan* wanted to relinquish his holding or a *Jenmi* wanted to resume his land, he might be premitted to do so on payment of the dues to the other. The dues payable by a *Jenmi* in such cases should be the *Kanam* amount and one-fourth of the value of improvements while those payable by a *Kudiyan* should be the arrears of *Jenmikaram* and three-fourths of the value of improvements less the *Kanam* amount.

DEWAN'S REPLY: Mr. Parameswaran Tuppan Namputiri, ഇപ്പോൾ നിങ്ങൾ പറഞ്ഞിട്ടുള്ള ഭാഗങ്ങൾക്കു, മുമ്പു് ഒരു മെമ്പറിനു കൊടുത്ത സമാധാനം തന്നെയാണു പറയാനുള്ളതു്. അതായതു, ഇപ്പോൾ നിയമസഭയിൽ നിന്നും ഏർപ്പെടുത്തീട്ടുള്ള സെലക്ററ്കമ്മിററി ഈ സംഗതികൾ കൂടെ ആലോചിച്ചു ഒടുവിൽ ഒരു തീരുമാനം ഉണ്ടാക്കുന്നതാണു്.

നിങ്ങൾ കാൺഫ്റൻസിനെപ്പററി പറഞ്ഞു. ആ കാൺഫ്റൻസിൽ ജന്മിമാരുടെയും കുടിയാന്മാരുടെയും പ്രതിനിധികളായിട്ടുള്ള ഏതാനും ചിലർ കൂടി ചേർന്നാണു് ഈ സംഗതികളെപ്പററി ആലോചിച്ചിട്ടുള്ളതു്. ഈ വിഷയത്തിൽ അവരവർക്കു ഇപ്പോഴുള്ള അവകാശങ്ങൾക്കും ഇപ്പോൾ ഉണ്ടെന്നു വിചാരിക്കുന്ന അധികാരങ്ങൾക്കും യാതൊരു ഭേദഗതിയും ചെയ്യരുതു് എന്നു് ഇരുകക്ഷികളും ബലമായി പിടിച്ചാൽ ഒരു ഭേദഗതിയും ചെയ്യാൻ കഴികയില്ല. ജന്മിപ്രതിനിധികളും കുടിയാൻപ്രതിനിധികളുംകൂടി നല്ലവണ്ണം ആലോചിച്ചു് കഴിയുന്നതു അവരവരുടെ അവകാശങ്ങൾക്കു് ന്യൂനത ഇല്ലാത്തവിധത്തിലും ഇരുകക്ഷികൾക്കും സൌകര്യപ്പെടത്തക്കവിധത്തിലുമാണു് ക ാ ട ക-ലെ ഭ-ാംറഗ്ലേഷനിൽ ചില ഭേദഗതികൾ സ്വീകരിച്ചിട്ടുള്ളതു്. അതനുസരിച്ചു ഇരുകക്ഷികൾക്കും ചില ആനുകൂല്യം കിട്ടുമെന്നു വിചാരിച്ചാണു് ഗവ

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ഞ്മെൻറിൽ നിന്നും ഭേദഗതി ബിൽ നിയമസഭയിൽ അവതരിപ്പിച്ചിട്ടുള്ളതു്. ആ ബില്ലിനെപ്പററി വിചാരണചെയ്യുന്നതിനു ഒരു കമ്മിററിയേയും നിശ്ചയിച്ചിട്ടുണ്ടു്. ഇനി ഇതിൽ ചെയ്യാനുള്ളതു് ഒരുസംഗതിയാണു്. ഇരുകക്ഷികൾക്കും കഴിയുന്നതു സൌകര്യം കിട്ടത്തക്കവണ്ണം സംപ്രാപ്തമായ സൌജന്യങ്ങൾ വേണ്ടിവന്നാൽ ഓരോ കക്ഷിയും ചെയ്യണം. ഏതു വിധത്തിലും റഗുലേഷൻ കൊണ്ടു കൂടുതൽ സൌകര്യം ഇരുകക്ഷികൾക്കും കിട്ടണമെന്നു എല്ലാവരും വിചാരിക്കണം.

[The member was referred to the earlier reply given to another member and told that the Select Committee of the Legislative Council would consider the suggestions also before arriving at a final decision.

The Round Table Conference was composed of representatives of both the *Jenmies* and *Kudiyans*. If both the parties clung to their existing rights and privileges and held that those rights and privileges should not be impaired, no change could be made in the existing law. The representatives at the conference after long deliberation proposed certain amendments to Regulation V of 1071, keeping always in view that, as far as possible, the rights of both the parties should be unimpaired. The Government thought that the conclusions arrived at by the conference would be beneficial to both parties and they accordingly introduced an amendment bill in the Council and referred it to a Select Committee. What remained now to be done was this. Both the parties should see that, as far as possible, their rights are not encroached upon by the other and that both should be benefited more by the amendment bill by a generous gesture to give and take.]

27. Introduction of legislation relating to the marriage of, and succession and inheritance among, Pulayas.

MR. DAIVATHAN KUNJAN (*Nominated*) spoke about the need for legislation relating to marriage, inheritance and succession in the Pulaya community. Owing to the absence of legislation relating to succession and inheritance among them, there was unnecessary litigation in regard to the holding of land by the Pulayas and consequently they were not able to reap the full benefit of the concessional registry of lands sanctioned by the Government. There was also no uniformity in court decisions. While some courts held that Pulayas were *makkattayis*, others ruled that they were *marumakkattayis*. The member's view was that the Pulayas were *makkattayis* from very early days and the proposed legislation should be to that effect.

In regard to marriages also, the absence of a legislative measure was a serious handicap. A Pulaya could not take legal action against another who had committed adultery with his wife or even remarried her without his consent, because there was no law validating a marriage among the Pulayas. A law in this respect was absolutely necessary with a view to promote orderly and settled life among the Pulayas.

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